

HOUSE BILL 1334

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By: **Delegates Rice, Stein, Barkley, Bartlett, Dumais, Feldman, Frick, Gutierrez, Huckler, Montgomery, Myers, Ross, Tarrant, Taylor, and Walker**

Introduced and read first time: February 18, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Nonpublic Schools – Bullying Policies – Compliance**

3 FOR the purpose of providing that certain provisions of law regarding the
4 development of a certain bullying, harassment, and intimidation policy apply to
5 nonpublic schools that accept certain State money; providing that certain
6 provisions of law do not apply to nonpublic schools that accept State money for
7 the placement of students with disabilities in nonpublic programs; and
8 generally relating to bullying policies in nonpublic schools.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 7–424.1
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Education**

17 7–424.1.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Bullying, harassment, or intimidation” means intentional conduct,
20 including verbal, physical, or written conduct, or an intentional electronic
21 communication, that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Creates a hostile educational environment by substantially
2 interfering with a student's educational benefits, opportunities, or performance, or
3 with a student's physical or psychological well-being and is:

4 1. Motivated by an actual or a perceived personal
5 characteristic including race, national origin, marital status, sex, sexual orientation,
6 gender identity, religion, ancestry, physical attribute, socioeconomic status, familial
7 status, or physical or mental ability or disability; or

8 2. Threatening or seriously intimidating; and

9 (ii) 1. Occurs on school property, at a school activity or
10 event, or on a school bus; or

11 2. Substantially disrupts the orderly operation of a
12 school.

13 (3) "Electronic communication" means a communication transmitted
14 by means of an electronic device, including a telephone, cellular phone, computer, or
15 pager.

16 (b) (1) By March 31, 2009, the State Board, after consultation with and
17 input from local school systems, shall develop a model policy prohibiting bullying,
18 harassment, or intimidation in schools.

19 (2) The model policy developed under paragraph (1) of this subsection
20 shall include:

21 (i) A statement prohibiting bullying, harassment, and
22 intimidation in schools;

23 (ii) A statement prohibiting reprisal or retaliation against
24 individuals who report acts of bullying, harassment, or intimidation;

25 (iii) A definition of bullying, harassment, or intimidation that is
26 either the same as set forth in subsection (a)(2) of this section or a definition that is
27 not less inclusive than that definition;

28 (iv) Standard consequences and remedial actions for persons
29 committing acts of bullying, harassment, or intimidation and for persons engaged in
30 reprisal or retaliation;

31 (v) Standard consequences and remedial actions for persons
32 found to have made false accusations;

33 (vi) Model procedures for reporting acts of bullying, harassment,
34 and intimidation;

1 (vii) Model procedures for the prompt investigation of acts of
2 bullying, harassment, and intimidation;

3 (viii) Information about the types of support services available to
4 the student bully, victim, and any bystanders; and

5 (ix) Information regarding the availability and use of the
6 bullying, harassment, or intimidation form under § 7-424 of this subtitle.

7 (c) (1) Each county board shall establish a policy prohibiting bullying,
8 harassment, or intimidation at school based on the model policy.

9 (2) The policy shall address the components of the model policy
10 specified in subsection (b)(2) of this section.

11 (3) A county board shall develop the policy in consultation with
12 representatives of the following groups:

13 (i) Parents or guardians of students;

14 (ii) School employees and administrators;

15 (iii) School volunteers;

16 (iv) Students; and

17 (v) Members of the community.

18 (d) Each county board shall publicize its policy in student handbooks, school
19 system websites, and any other location or venue the county board determines is
20 necessary or appropriate.

21 (e) Each county board policy shall include information on the procedure for
22 reporting incidents of bullying, harassment, or intimidation, including:

23 (1) A chain of command in the reporting process; and

24 (2) The name and contact information for an employee of the
25 Department, designated by the Department, who is familiar with the reporting and
26 investigation procedures in the applicable school system.

27 (f) Each county board shall submit its policy to the State Superintendent by
28 July 1, 2009.

29 (g) Each county board shall develop the following educational programs in its
30 efforts to prevent bullying, harassment, and intimidation in schools:

1 (1) An educational bullying, harassment, and intimidation prevention
2 program for students, staff, volunteers, and parents; and

3 (2) A teacher and administrator development program that trains
4 teachers and administrators to implement the policy.

5 (h) (1) A school employee who reports an act of bullying, harassment, or
6 intimidation under this section in accordance with the county board's policy
7 established under subsection (c) of this section is not civilly liable for any act or
8 omission in reporting or failing to report an act of bullying, harassment, or
9 intimidation under this section.

10 (2) The provisions of this section may not be construed to limit the
11 legal rights of a victim of bullying, harassment, or intimidation.

12 **(I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, THIS SECTION APPLIES TO NONPUBLIC SCHOOLS THAT ACCEPT**
14 **MONEY FROM THE STATE.**

15 **(2) THIS SECTION DOES NOT APPLY TO NONPUBLIC SCHOOLS**
16 **THAT ACCEPT MONEY FOR THE PLACEMENT OF STUDENTS WITH A DISABILITY IN**
17 **A NONPUBLIC PROGRAM.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2010.